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6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 PAUL SHEBANOW, as Representative and)
9 Executor of the ESTATE OF MICHAEL S.)
10 SHEBANOW,)

11 Plaintiff,)

12 vs.)

13 FIRST MAGNUS FINANCIAL CORP. et al.,)

14 Defendants.)
_____)

3:10-cv-00765-RCJ-VPC

ORDER

15 Plaintiff Paul Shebanow (“Paul”) sued several Defendants on behalf of the Estate of
16 Michael S. Shebanow, his deceased father, over the foreclosure of a home owned by the Estate
17 (the “Property”). Paul, the representative and executor of the Estate, also rented the Property,
18 which is located at 3379 Forest View Lane in Reno, Nevada. Based on Plaintiff’s claim that
19 there was no default, the Court granted Plaintiff’s Motion for Temporary Restraining Order
20 (ECF No. 11) to prevent a trustee’s sale on the Property that was scheduled for January 5, 2011.
21 The Court also ordered that “before January 1, 2011, Plaintiff’s counsel shall enter into the
22 record his client’s or his own affidavit attesting as to whether the Property is in probate in this or
23 any other state, the answer to which may affect the Court’s jurisdiction.” The Court issued that
24 order because if the Property were in probate, the Court would likely lack jurisdiction over the
25 case in whole or in part. *See Marshall v. Marshall*, 547 U.S. 293, 312 (2006); *Markham v. Allen*,

1 326 U.S. 490, 494 (1946).

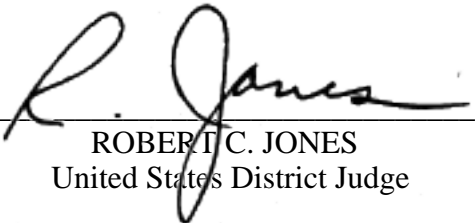
2 Plaintiff's counsel did not comply with the Court's order to attest as to whether the
3 Property was in probate. The Court therefore dismissed the case under Rule 41(b). Defendants
4 have now moved for the Court to expunge the lis pendens on the Property. Plaintiff has not
5 responded.

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the Motion to Expunge Lis Pendens (ECF No. 28) is
8 GRANTED. The lis pendens on the property related to the present federal lawsuit, and no other
9 lis pendens, if any, is EXPUNGED.

10 IT IS SO ORDERED.

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12 Dated this 12th day of July, 2011.

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15 ROBERT T. JONES
16 United States District Judge
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